

AN ACT

ENTITLED, An Act to provide for felony enhancement for third offense simple assault.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 22-18-1 be amended to read as follows:

22-18-1. Any person who:

- (1) Attempts to cause bodily injury to another, other than a law enforcement officer engaged in the performance of his duties, and has the actual ability to cause the injury;
 - (2) Recklessly causes bodily injury to another;
 - (3) Negligently causes bodily injury to another with a dangerous weapon;
 - (4) Attempts by physical menace to put another in fear of imminent serious bodily harm, with or without the actual ability to seriously harm the other person; or
 - (5) Intentionally causes bodily injury to another which does not result in serious bodily injury;
- is guilty of simple assault.

Simple assault is a Class 1 misdemeanor. However, if the defendant has been convicted of two or more violations of this section within five years of committing the current offense, the defendant is guilty of a Class 6 felony.

An Act to provide for felony enhancement for third offense simple assault.

=====

I certify that the attached Act
originated in the

SENATE as Bill No. 133

Secretary of the Senate
=====

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 133

File No. _____

Chapter No. _____

=====

Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

=====

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State